


ELEVENTH GUAM LEGISLATURE
1971 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 203, "An Act to repeal Subchapter J of Chapter VI, Title X, and to add a new Subchapter C-1 to Chapter II, Title X, both of the Government Code of Guam, relative to child welfare services", was on the 14th day of October, 1971, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 29th day
of October, 1971 at 11:40 o'clock A. M.

RICHARD D. MAGEE, Acting
Attorney General of Guam

APPROVED:

/s/ Carlos G. Camacho
CARLOS G. CAMACHO
Governor of Guam

DATED: NOV 10 1971
11:00 A. M.

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ELEVENTH GUAM LEGISLATURE
1971 (FIRST) Regular Session

Bill No. 203
Substitute Bill by the
Committee on Health & Welfare

Introduced by _____
Committee on Rules, by
request of the Governor.

AN ACT TO REPEAL SUBCHAPTER J OF CHAPTER VI,
TITLE X, AND TO ADD A NEW SUBCHAPTER C-1 TO
CHAPTER II, TITLE X, BOTH OF THE GOVERNMENT
CODE OF GUAM, RELATIVE TO CHILD WELFARE
SERVICES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Subchapter J of Chapter VI, Title X, Government
3 Code of Guam is hereby repealed in its entirety.

4 Section 2. A new Subchapter C-1 is hereby added to Chapter
5 II, Title X, of the Government Code of Guam to read as follows:

6 "Subchapter C-1

7 Child Welfare Services Act

8 Section 9120.1. Title. This Subchapter shall be known
9 and may be cited as the 'Child Welfare Services Act'.

10 Section 9120.2. Definitions. As used in this
11 Subchapter

- 12 (a) 'Child' means a person under eighteen (18)
13 years of age.
- 14 (b) 'Department' means the Department of Public
15 Health and Social Services.
- 16 (c) 'Child Care Facility' means any person or place
17 which receives or arranges placement of one or
18 more children who are not related to such person,
19 whether for gain or otherwise, apart from the
20 parents or guardian, with or without the transfer
21 of the right of custody, for the purpose of
22 providing regular care or training for such
23 child or children during either the day or night,

1 or both. Except as otherwise provided, the
2 term 'Child Care Facility' includes, but is not
3 limited to, all facilities defined by the Depart-
4 ment of Public Health and Social Services as
5 'family day care homes', 'foster family homes',
6 'group care homes', 'residential treatment faci-
7 lities', 'day care centers', 'day nursery',
8 'nursery school', 'kindergarten school', 'day care
9 homes' or similar institutions or units regard-
10 less of name.

11 (d) 'Guardian' means the guardian of the person of
12 a minor.

13 (e) 'Person' means any person or persons, group of
14 persons, agencies, associations, organizations,
15 whether public, private or incorporated.

16 (f) 'Related' means any of the following relationships
17 by blood, marriage or adoption: parent, grand-
18 parent, brother, sister, stepparent, stepbrother,
19 stepsister, uncle or aunt.

20 Section 9120.3. Exclusions. This Subchapter does not
21 apply:

22 (a) To the care of a relative's, friend's, or
23 neighbor's child or children, with or without
24 compensation, where the person furnishing such
25 care does not regularly engage in such activity
26 and does not advertise or hold himself out as
27 conducting a child care facility;

28 (b) Where parents on a mutually cooperative basis
29 exchange care of one another's children;

30 (c) To the care of children in their own home;

31 (d) To a hospital, clinic, or educational institution.

1 (e) To kindergartens or nursery schools operated
2 by public or private elementary or secondary
3 level school systems.

4 (f) To facilities operated in connection with a
5 shopping center where children are received
6 while parents are on the premises.

7 (g) To facilities operated in connection with a
8 church where children are received while
9 parents are on the premises.

10 Section 9120.4. License necessary. No person except
11 the Department shall operate or conduct a child care facility
12 without a license so to do issued by the Department.

13 Section 9120.5. Application - filing - issuance of
14 License.

15 (a) Application for a license to operate a child
16 care facility shall be made to the Department
17 upon forms furnished by it.

18 (b) Upon filing of the application in proper order,
19 the Department shall examine the child care
20 facility of the applicant. Such examination may
21 be made by the Social Services Division or persons
22 designated by the Department as its agent for that
23 purpose. If, upon examination, the Department is
24 satisfied that the applicant and facility reason-
25 ably meet the qualifications and standards
26 prescribed for the type of facility for which
27 application for license is made, it shall issue
28 to the applicant a license designating the type
29 of facility provided for, and, the number of
30 children to be served at any time by such
31 facility.

1 (c) License shall be issued in such form and manner
2 as prescribed by the Department, and shall be
3 valid for one year from the date of issuance
4 unless revoked. The Department may, in its
5 issuance of licenses for child care facility,
6 indicate thereon any classifications it deems
7 appropriate, including the following:

8 (1) Group I - for a facility which meets the
9 qualifications and standards prescribed
10 by the Department for professional therapy
11 or treatment and full-time casework and
12 diagnostic services on a continuing basis
13 for children with a special behavior or
14 emotional disorder.

15 (2) Group II - for a facility which meets the
16 the qualifications and standards prescribed
17 by the Department for full-time casework
18 services to and on behalf of children.

19 (3) Group III - for all other facilities which
20 meet the qualifications and standards pre-
21 scribed by the Department.

22 (d) The Department may, in its discretion, issue a
23 permit to a newly established facility for
24 child care, for a period not to exceed six (6)
25 months, to allow such facility reasonable time
26 to become eligible for full license, except that
27 a permit shall not be granted to any 'foster
28 family home' or 'group care home'.

29 Section 9120.6. Annual examination. The Department
30 shall re-examine at least annually every child care facility
31 for which a license has been issued under this Act. Such

1 examination shall include an examination of such records
2 of the facility as the Department deems necessary to
3 determine the standards of care provided children served
4 by the facility. If, upon examination, the Department
5 is satisfied that the facility continues to maintain
6 adequate standards, which it prescribes and publishes as
7 herein provided, it shall renew the license to operate
8 the facility.

9 Section 9120.7. Powers and duties of the Department.
10 The Department shall, pursuant to the provisions of the
11 Administrative Adjudication Law, adopt minimum standards
12 for licensing. Such standards shall be applicable to all
13 child care facilities including those operated by the
14 Department and shall pertain to the following:

- 15 (a) The operation and conduct of the facility and
16 responsibility it assumes for child care;
- 17 (b) The character, suitability and qualifications
18 of the applicant and other persons directly
19 responsible for the care and welfare of
20 children served;
- 21 (c) The general financial ability and competence
22 of the applicant to provide necessary care for
23 children and to maintain prescribed standards;
- 24 (d) The number of individuals or staff required to
25 insure adequate supervision and care of the
26 children received;
- 27 (e) The appropriateness, safety, cleanliness and
28 general adequacy of the premises, including
29 maintenance of adequate fire prevention and
30 health standards in conformance to existing
31 territorial laws to provide for the physical

1 comfort, care and well-being of children
2 received;

3 (f) Provisions for food, clothing, educational
4 opportunities, programs, equipment and individual
5 supplies to assure the healthy physical, mental
6 and spiritual development of children served;

7 (g) Provisions to safeguard the legal rights of
8 children served;

9 (h) Maintenance of records pertaining to the admission,
10 progress, health and termination of care of
11 children;

12 (i) Filing of records with the Department;

13 (j) Discipline of children;

14 (k) Protection and fostering of the particular
15 religious faith of the children served.

16 Section 9120.8. Revocation - conditions. The Depart-
17 ment may, subject to and in accordance with the provisions
18 of the Administrative Adjudication Law, revoke or refuse to
19 renew the license of any child care facility should the
20 licensee:

21 (a) Fail to maintain standards prescribed and
22 published by the Department; or

23 (b) Violate any of the provisions of the license
24 issued; or

25 (c) Furnish or make any misleading or any false
26 statement or report to the Department; or

27 (d) Fail to submit to the Department any report or
28 refuse to make available to the Department any
29 records required by it in making investigation
30 of the facility for licensing purposes; or

31 (e) Refuse to submit to an investigation by the

- 2 (f) Refuse to admit authorized representative of the
3 Department at any reasonable time for the purpose
4 of investigation; or
- 5 (g) Fail to provide, maintain, equip and keep in
6 safe and sanitary condition the premises
7 established for child care; or
- 8 (h) Refuse to display its license; or
- 9 (i) Fail to maintain financial resources adequate
10 for the satisfactory care of children served in
11 regard to up-keep of premises, and provisions
12 for personal care, education and other essentials
13 in the proper care, rearing and training of
14 children.

15 Section 9120.9. Investigation. Whenever the Depart-
16 ment is advised, or has reason to believe, that any person,
17 group of persons, or corporation is operating a child care
18 facility without a license, it shall make an investigation
19 to ascertain the facts. If it finds that such child
20 facility is being, or has operated without a license, it
21 shall report the results of its investigation to the
22 Attorney General for prosecution.

23 Section 9120.10. Advertising. A child care facility
24 licensed by the Department may publish advertisements of the
25 services for which it is specifically licensed under this
26 Act. No person, unless licensed as a child care facility,
27 shall publish any advertisement soliciting a child or
28 children for placement or offering to receive a child or
29 children for placement.

30 Section 9120.11. Records. Every child care facility
31 shall keep and maintain such records as the Department may

1 prescribe which shall contain the following:

- 2 (a) Name, sex, date of birth, age, and date and
3 time of admission;
- 4 (b) Name, address and telephone number of parent
5 or guardian;
- 6 (c) Name, age, and date of birth of other children
7 in the family;
- 8 (d) Health record showing date of last physical
9 examination and list of inoculations and
10 vaccinations, including dates administered;
- 11 (e) Name and telephone number of family physician
12 who may be called in case of emergency.)

13 Such facility shall report relative thereto to the
14 Department whenever called for upon forms prescribed by
15 the Department. All records regarding children and all
16 facts learned about children and their relatives shall
17 be deemed confidential both by the child care facility
18 and by the Department.

19 Section 9120.12. Violations - penalties. Whoever:

- 20 (a) Conducts, operates or acts as a child care
21 facility without a license to do so in violation
22 of provision of this Act;
- 23 (b) Makes materially false statements in order to
24 obtain a license;
- 25 (c) Fails to keep the records and make the reports
26 provided for under this Act;
- 27 (d) Advertises any service not authorized by
28 license held;
- 29 (e) Publishes any advertisement in violation of
30 provision of this Act;
- 31 (f) Violates any other provision of this Act or

1 any reasonable rule or regulation adopted by
2 the Department, for the enforcement of the
3 provisions of this Act is guilty of a misdemeanor
4 and shall be fined not less than One Hundred
5 Dollars (\$100) nor more than Five Hundred Dollars
6 (\$500.00).

7 Section 9120.13. Health permit required. It shall
8 be unlawful for any person to open for business or operate
9 any child care facility, or advertise or hold himself out
10 as operating any child care facility, without a valid health
11 permit as required by Subchapter B of Chapter VI of this
12 Code. Only those persons who comply with all the applicable
13 provisions of this Subchapter shall be entitled to receive
14 and retain such permit.

15 Section 9120.14. Disease control.

16 (a) All employees shall have a valid health certi-
17 ficate as provided by Subchapter C of Chapter VI.
18 No employer, owner, manager, or person in charge
19 or control, shall permit any person to enter the
20 premises, knowing such person to have or having
21 reason to believe that he has a disease in
22 communicable form as set forth in Subchapter D
23 of Chapter VI, or is a carrier of such disease;
24 and no person shall work in a child care facility,
25 whether in his own or another's employ, knowing
26 himself to have or having reason to believe that
27 he has any such disease. If an employer, owner,
28 manager, or person in charge or control suspects
29 that any employee has any such disease in a
30 communicable form, or is a carrier of such
31 disease, he shall notify the Director immediately.

1 A placard containing this Section shall be
2 posted in all toilet rooms used by employees.
3 Persons with cuts or sores shall not be allowed
4 to handle food that may become contaminated by
5 such handling.

6 (b) Any child showing signs of illness must be
7 isolated promptly from other children until
8 arrangements can be made for his care. In the
9 event a child is found to have a communicable
10 disease, the Director and the parents or
11 guardian of the child and of any other child
12 who has been admitted for care or exposed
13 shall be notified immediately.

14 Section 9120.15. Children's certificate of health.
15 No child shall be admitted to any child care facility
16 without a certificate of health signed by a qualified
17 physician indicating the child is free from any communic-
18 able disease, and has current inoculations or vaccinations
19 against the following contagious diseases:

- 20 (a) Smallpox;
21 (b) Diphtheria, pertussis and tetanus;
22 (c) Typhoid fever;
23 (d) Poliomyelitis."